

**U.S. District Court  
Eastern District of Michigan (Bay City)  
CIVIL DOCKET FOR CASE #: 1:12-cv-15028-TLL-CEB**

Price v. PBG Hourly Pension Plan et al  
Assigned to: District Judge Thomas L. Ludington  
Referred to: Magistrate Judge Charles E. Binder  
Demand: \$75,000  
Cause: 28:1331 Fed. Question

Date Filed: 11/13/2012  
Date Terminated: 02/06/2013  
Jury Demand: Plaintiff  
Nature of Suit: 791 Labor: E.R.I.S.A.  
Jurisdiction: Federal Question

**Plaintiff****Greg Price**

represented by **Victor J. Mastromarco , Jr.**  
The Mastromarco Firm  
1024 N. Michigan Avenue  
Saginaw, MI 48602  
989-752-1414  
Email: vmastromar@aol.com  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****PBG Hourly Pension Plan**

represented by **Henry J. Andries , Jr.**  
Strobl & Sharp, PC  
300 E. Long Lake Rd.  
Ste. 200  
Bloomfield Hills, MI, MI 48304-2376  
248-205-2710  
Fax: 248-645-2690  
Email: handries@stroblpc.com  
**ATTORNEY TO BE NOTICED**

**Defendant****Bottling Group, LLC**

represented by **Henry J. Andries , Jr.**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/13/2012	<u>1</u>	COMPLAINT <i>DEMAND FOR TRIAL BY JURY AND DEMAND FOR PRE-TRIAL CONFERENCE</i> filed by Greg Price against All Defendants with Jury Demand. <a href="#">Plaintiff requests summons issued.</a> Fee Required – Fee Not Paid. <a href="#">County of 1st Plaintiff: Saginaw – County Where Action Arose: Saginaw – County of 1st Defendant: Out of Country.</a> [Previously dismissed case: No] [Possible companion case(s): None] (Attachments: # <u>1</u> Exhibit A. PBG Hourly Pension Plan Retirement Benefits Book 2009, # <u>2</u> Exhibit B. Collective Bargaining Agreement) (Mastromarco, Victor) (Entered: 11/13/2012)
11/14/2012	<u>2</u>	Notice of Filing Fee Not Paid. <b>Correction due by 11/21/2012</b> (KKra) (Entered: 11/14/2012)

11/14/2012	<u>1</u>	A United States Magistrate Judge of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form is available for download at <a href="http://www.mied.uscourts.gov">http://www.mied.uscourts.gov</a> (KKra) (Entered: 11/14/2012)
11/20/2012	<u>1</u>	FILING FEE Received in the amount of \$350.00 by Greg Price – Receipt No. DET049496 [No Image Associated with this docket entry] (Huff, W.) (Entered: 11/20/2012)
11/20/2012	<u>3</u>	SUMMONS Issued for *PBG Hourly Pension Plan* (Huff, W.) (Entered: 11/20/2012)
11/20/2012	<u>4</u>	SUMMONS Issued for *Bottling Group, LLC* (Huff, W.) (Entered: 11/20/2012)
12/17/2012	<u>5</u>	MOTION to Dismiss <i>or in Alternative to Transfer Venue</i> by All Defendants. (Andries, Henry) (Entered: 12/17/2012)
12/20/2012	<u>6</u>	NOTICE of hearing on <u>5</u> MOTION to Dismiss <i>or in Alternative to Transfer Venue</i> . <b>Motion Hearing set for 2/5/2013 03:00 PM before District Judge Thomas L. Ludington</b> (TJac) (Entered: 12/20/2012)
01/07/2013	<u>7</u>	RESPONSE to <u>5</u> MOTION to Dismiss <i>or in Alternative to Transfer Venue</i> filed by Greg Price. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1. Collective Bargaining Agreement, # <u>3</u> Exhibit 2. 2009 Restatement of PBG Plan, # <u>4</u> Exhibit 3. 2009 Summary Plan Document, # <u>5</u> Exhibit 4. 07/15/10 Letter, # <u>6</u> Exhibit 5. 09/08/10 Letter, # <u>7</u> Exhibit 6. Affidavit of Greg Price) (Mastromarco, Victor) (Entered: 01/07/2013)
01/22/2013	<u>8</u>	REPLY to Response re <u>5</u> MOTION to Dismiss <i>or in Alternative to Transfer Venue</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit Exhibit A) (Andries, Henry) (Entered: 01/22/2013)
01/23/2013	<u>1</u>	TEXT-ONLY NOTICE: Hearing on February 5, 2013 at 3:00 p.m. is Cancelled re <u>5</u> MOTION to Dismiss <i>or in Alternative to Transfer Venue</i> – Order to be entered. (TJac) (Entered: 01/23/2013)
02/06/2013	<u>9</u>	OPINION AND ORDER Granting in part and Denying in part Defendant's <u>5</u> Motion to Dismiss or Transfer and TRANSFERRING CASE to Southern District of New York. Signed by District Judge Thomas L. Ludington. (DWor) (Entered: 02/06/2013)